

**From:** Baffoni, Michael  
**To:** Microsoft ATR  
**Date:** 12/6/01 12:24pm  
**Subject:** My views on the DOJ settlement proposal

I'm disappointed with the settlement reached by the Attorney General with Microsoft Corp. to resolve the charges of unfair business practices. The point of taking a legal action is to first and foremost ensure that any of the criminal activities found to have occurred do not occur in the future: The settlement does very little to ensure that this happens, and the enforcement is minimal and the loopholes to get around the restrictions are big enough to drive a truck through.

Secondly, a legal action should ensure that those harmed by the criminal activity are in some (even small) way compensated for those criminal actions: Although the settlement certainly helps those who need it, it does nothing to help those harmed by the unfair business practices of Microsoft Corp, and the "help" that is offered serves more as a marketing expense than a penalty. Not only that, any software offered by Microsoft will show as an inflated amount: when the dollars are totalled to find out how much MS paid out, they will be reporting the list price of their software: However, the actual cost to MS's bottom line is merely the production costs of the software - they aren't losing sales due to the software giveaway since these are machines the schools wouldn't have had without the donations, and therefore wouldn't have purchased the MS software without it. Actually they could be making money because it will be a billion dollars (or rather some portion thereof) that they didn't need to add to their marketing budget, and gives them greater market penetration in an area they haven't traditionally overwhelmed.

Thank you for your time.

Mike Baffoni

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